

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2471
OFFERED BY MR. MEEKS OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Haiti Development,
3 Accountability, and Institutional Transparency Initiative
4 Act”.

5 SEC. 2. FINDINGS.

6 Congress finds the following:

7 (1) On January 12, 2010, a massive earth-
8 quake struck near the Haitian capital city of Port-
9 au-Prince, leaving at least 220,000 people dead, in-
10 cluding 103 United States citizens, 101 United Na-
11 tions personnel, and nearly 18 percent of Haiti’s
12 civil service, as well as 300,000 injured, 115,000
13 homes destroyed, and 1,500,000 Haitians displaced.

14 (2) The international community, led by the
15 United States and the United Nations, mounted an
16 unprecedented humanitarian response to the earth-
17 quake in Haiti. Through 2018, more than
18 \$8,000,000,000 has been disbursed by donors. Since

1 the 2010 earthquake, the United States Government
2 has disbursed more than \$4,000,000,000 in recovery
3 and development funding.

4 (3) On October 4, 2016, Hurricane Matthew
5 struck southwestern Haiti on the Tiburon Peninsula,
6 causing widespread damage and flooding and leaving
7 1.4 million people in need of immediate assistance.
8 Recovery efforts continue more than four years
9 later.

10 (4) Prior to both the 2010 earthquake and
11 2016 hurricane, Haiti registered among the lowest
12 in socioeconomic indicators and had the second high-
13 est rate of income disparity in the world—conditions
14 that have further complicated disaster recovery and
15 resilience efforts. As of November 2020, 4,400,000
16 people were in need of humanitarian assistance in
17 Haiti.

18 (5) With United States assistance, more than
19 30,000 jobs have been created since the 2010 earth-
20 quake, largely in the apparel industry at the Caracol
21 Industrial Park (in partnership with the Inter-Amer-
22 ican Development Bank, the Haitian Government,
23 and the private sector) in northern Haiti.

24 (6) Since 2018, tens of thousands of Haitians
25 have participated in popular demonstrations de-

1 manding accountability over government manage-
2 ment of Petrocaribe resources. In early 2019, the
3 Haitian superior court of auditors released a series
4 of reports implicating high-level government officials
5 in the misappropriation of funds.

6 (7) The United Nations Human Rights Office
7 of the High Commissioner and the Human Rights
8 Service jointly found a 333 percent increase in
9 human rights violations and abuses against the
10 rights of life and security in Haiti from July 2018
11 through December 2019. There were 131 violations
12 in 2018 and 567 violations in 2019, including the
13 shooting of at least five Haitian journalists covering
14 the protests.

15 (8) Leading members of civil society have faced
16 attacks, including Monferrier Dorval, a constitu-
17 tional law expert and president of the Port-au-
18 Prince bar who was killed on August 28, 2020.

19 (9) On November 13, 2018, according to the
20 Haitian National Human Rights Defense Network,
21 at least 71 people were killed and 18 people were
22 raped in the Port-au-Prince neighborhood of La Sa-
23 line.

24 (10) On December 10, 2020, the Department of
25 the Treasury's Office of Foreign Assets Control des-

1 ignated former Haitian National Police officer
2 Jimmy Cherizier, former Director General of the
3 Ministry of the Interior Fednel Monchery, and
4 former Departmental Delegate Joseph Pierre Rich-
5 ard Duplan pursuant to the Global Magnitsky Exec-
6 utive Order for being foreign persons responsible for
7 or complicit in, or having directly or indirectly en-
8 gaged in, serious human rights abuse for their con-
9 nection to the La Saline massacre.

10 (11) Following the La Saline massacre, similar
11 attacks have occurred in Port-au-Prince neighbor-
12 hoods, including the November 2019 and August
13 2020 attacks on Bel Air, in which 24 people were
14 killed and hundreds of families were displaced.

15 (12) Parliamentary elections scheduled for Oc-
16 tober 2019 did not take place, and since January
17 13, 2020, President Jovenel Moïse has ruled by de-
18 cree. The United States and international commu-
19 nity have urged President Moise to limit the use of
20 executive decrees during this period and have ex-
21 pressed concern over several decrees issued, includ-
22 ing those creating the National Intelligence Agency
23 and appointing three new judges to the Supreme
24 Court outside of constitutional procedures. Haitian
25 civil society organizations have denounced the presi-

1 dent's use of decrees as an attempt to consolidate
2 power.

3 (13) Due to institutional weakness and other
4 challenges exacerbated by the COVID-19 pandemic,
5 Haiti's economy contracted by an estimated 4 per-
6 cent in 2020 and inflation neared 20 percent. Al-
7 though there has been no parliament in place since
8 January 2020, the Haitian Government approved a
9 budget on September 30, 2020. However, the delay
10 prevented the International Monetary Fund and
11 other multilaterals from disbursing millions in inter-
12 national assistance.

13 (14) In September 2020, President Moïse by-
14 passed the Supreme Court to appoint a Provisional
15 Electoral Council (CEP) by executive decree. Several
16 civil society groups that traditionally participate in
17 Haiti's electoral councils criticized the decision and
18 have declined to be represented in the CEP.

19 (15) The Moïse administration lacks the credi-
20 bility to oversee a proposed constitutional ref-
21 erendum scheduled for June 2021, which legal ex-
22 perts consider unconstitutional.

23 (16) There are concerns that, given the lack of
24 democratic checks and balances, the dispute over the
25 credibility of the electoral council, and the deterio-

1 rating security situation, elections scheduled for Sep-
2 tember 2021 will not be free or fair. Additionally,
3 the security situation remains volatile and on Feb-
4 ruary 7, 2021, President Moïse alleged that a coup
5 had been attempted against him leading to 23 ar-
6 rests and the forced retirement of three Supreme
7 Court judges.

8 **SEC. 3. STATEMENT OF POLICY.**

9 It is the policy of the United States to support the
10 sustainable rebuilding and development of Haiti in a man-
11 ner that—

12 (1) recognizes Haitian independence, self-reli-
13 ance, sovereignty, democratic governance, and effi-
14 ciency;

15 (2) promotes efforts that are led by and sup-
16 port the people and Government of Haiti at all levels
17 so that Haitians lead the course of reconstruction
18 and development of Haiti;

19 (3) builds the long-term capacity of the Govern-
20 ment of Haiti, civil society in Haiti, and the private
21 sector to foster economic opportunities in Haiti;

22 (4) fosters collaboration between the Haitian di-
23 aspora in the United States, including dual citizens
24 of Haiti and the United States, with the Haitian
25 Government and the business community in Haiti;

1 (5) supports anti-corruption efforts, promotes
2 press freedom, and addresses human rights con-
3 cerns, including through the enforcement of sanc-
4 tions imposed in accordance with the Global
5 Magnitsky Human Rights Accountability Act on in-
6 dividuals implicated in human rights violations;

7 (6) respects and helps restore Haiti's natural
8 resources, as well as strengthens community-level re-
9 silience to environmental and weather-related im-
10 pacts;

11 (7) promotes the holding of free, fair, and time-
12 ly elections in accordance with democratic principles
13 and the Haitian Constitution;

14 (8) provides timely and comprehensive reporting
15 on Haiti and the United States Government's goals
16 and progress, as well as transparent post program
17 evaluations and contracting data;

18 (9) promotes the participation of Haitian
19 women and youth in governmental and nongovern-
20 mental institutions and in economic development and
21 governance assistance programs funded by the
22 United States; and

23 (10) does not provide support to facilitate the
24 proposed June 2021 constitutional referendum, in-
25 cluding through multilateral organizations.

1 **SEC. 4. STRENGTHENING HUMAN RIGHTS AND**
2 **ANTICORRUPTION EFFORTS IN HAITI AND**
3 **HOLDING PERPETRATORS OF THE LA SALINE**
4 **MASSACRE ACCOUNTABLE.**

5 (a) SECRETARY OF STATE PRIORITIZATION.—The
6 Secretary of State shall prioritize the protection of human
7 rights and anticorruption efforts in Haiti by the following
8 methods:

9 (1) Fostering strong relationships with inde-
10 pendent civil society groups focused on monitoring
11 corruption and human rights abuses and promoting
12 democracy in Haiti.

13 (2) Supporting the efforts of the Haitian Gov-
14 ernment to identify persons involved in human rights
15 violations and significant acts of corruption in Haiti,
16 including public and private sector actors, and hold
17 them accountable for their actions.

18 (3) Addressing concerns of impunity for the al-
19 leged perpetrators, as well as the intellectual au-
20 thors, of the La Saline massacre.

21 (4) Urging authorities to continue to investigate
22 attacks in the La Saline and Bel Air neighborhoods
23 from 2018 through 2021that left dozens dead in
24 order to bring the perpetrators to justice.

25 (b) BRIEFING.—

1 (1) ELEMENTS.—Not later than 180 days after
2 the date of the enactment of this Act, the Secretary
3 of State shall brief the appropriate congressional
4 committees on the happenings on November 13,
5 2018, in the Port-au-Prince neighborhood of La Sa-
6 line, and its aftermath. The briefing shall include—

7 (A) an examination of any links between
8 the massacre in La Saline and mass protests
9 that occurred concurrently in the country;

10 (B) an analysis of the reports on the La
11 Saline massacre authored by the United Na-
12 tions, the European Union, and the Govern-
13 ment of Haiti;

14 (C) a detailed description of all known per-
15 petrators, as well as the intellectual authors, of
16 the shootings;

17 (D) an overview of efforts taken by the
18 Haitian Government to bring the perpetrators,
19 as well as the intellectual authors, of the La Sa-
20 line massacre to justice and to prevent other
21 similar attacks; and

22 (E) an assessment of the ensuing treat-
23 ment and displacement of the survivors of the
24 La Saline massacre.

1 (2) CONSULTATION.—In the briefing required
2 under paragraph (1), the Secretary of State shall
3 consult with nongovernmental organizations in Haiti
4 and the United States.

5 **SEC. 5. ACTIONS TO PROMOTE FREEDOM OF THE PRESS**
6 **AND ASSEMBLY IN HAITI.**

7 The Secretary of State shall prioritize the promotion
8 of freedom of the press and freedom of assembly, as well
9 as the protection of journalists in Haiti by the following
10 methods:

11 (1) Advocating to Haitian authorities for in-
12 creased protection for journalists and the press and
13 for the freedom to peacefully assemble or protest in
14 Haiti.

15 (2) Collaborating with government officials and
16 representatives of civil society to develop and imple-
17 ment legal protections for journalists in Haiti.

18 (3) Supporting efforts to strengthen trans-
19 parency in Haiti's public and private sectors, as well
20 as access to information in Haiti.

21 (4) Supporting efforts to strengthen the capac-
22 ity of independent journalists and increase access to
23 resources for investigative journalism.

1 **SEC. 6. ACTIONS TO SUPPORT POST-EARTHQUAKE, POST-**
2 **HURRICANE AND POST-COVID-19 RECOVERY**
3 **AND DEVELOPMENT IN HAITI.**

4 The Secretary of State, in coordination with the Ad-
5 ministrator of the United States Agency for International
6 Development (USAID), shall prioritize post-earthquake
7 and post-hurricane recovery and development efforts in
8 Haiti by the following methods:

9 (1) Collaborating with the Haitian Government
10 on a detailed and transparent development plan that
11 includes clear objectives and benchmarks.

12 (2) Building the capacity of Haitian-led public,
13 private, and nongovernmental sector institutions in
14 Haiti through post-earthquake and post-hurricane
15 recovery and development planning.

16 (3) Assessing the impact of both the United
17 States' and the international community's recovery
18 and development efforts in Haiti since January
19 2010.

20 (4) Supporting disaster resilience and recon-
21 struction efforts.

22 (5) Addressing the underlying causes of poverty
23 and inequality, and improving access to health re-
24 sources, clean water, food, and shelter.

25 (6) Assessing the impact of the COVID-19
26 pandemic on post-disaster recovery efforts and eval-

uating United States support to help with pandemic response efforts in Haiti, including providing technical assistance and preventing other infectious disease outbreaks.

SEC. 7. REPORT.

(a) REPORT CONTENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, and other relevant agencies and departments, shall submit to the appropriate congressional committees a report that includes—

(1) a strategy for carrying out the initiatives described in sections 4, 5, and 6, including established baselines, benchmarks, and indicators to measure outcomes and impact;

(2) an assessment of major corruption committed among the public and private sectors, and, as practical and appropriate, an assessment of corruption prosecutions investigated by the Haitian judiciary since January 2015;

(3) an overview of efforts taken by the Haitian Government to address corruption, including the Petrocaribe scandal, and corrective measures to

1 strengthen and restore trust in Haiti’s public insti-
2 tutions;

3 (4) a description of United States Government
4 efforts to consult and engage with Haitian Govern-
5 ment officials and independent civil society groups
6 focused on monitoring corruption and human rights
7 abuses and promoting democracy and press freedom
8 in Haiti since January 2015;

9 (5) a description of the Haitian Government’s
10 response to civic protests that have taken place since
11 July 2018 and any allegations of human rights
12 abuses, including attacks on journalists;

13 (6) an assessment of United States security as-
14 sistance to Haiti, including the United States sup-
15 port to the Haitian National Police and an assess-
16 ment of compliance with section 620M of the For-
17 eign Assistance Act of 1961 (22 U.S.C. 2378d) and
18 section 362 of title 10, United States Code (com-
19 monly referred to as the “Leahy Laws”);

20 (7) a description of the Haitian Government’s
21 efforts to support displaced survivors of urban and
22 gang violence;

23 (8) an assessment of the impact of presidential
24 decrees on the health of Haiti’s democratic institu-
25 tions and safeguarding of human rights, including

1 reducing the authority of the Superior Court of Ac-
2 counts and Administrative Litigation, promulgating
3 an antiterrorism law, and establishing the National
4 Intelligence Agency, as well as retiring and subse-
5 quently appointing judges to the Supreme Court of
6 Haiti;

7 (9) a plan in collaboration with the Haitian
8 Government on efforts to support development goals
9 since January 2015, including steps taken to—

10 (A) strengthen institutions at the national
11 and local levels; and

12 (B) strengthen democratic governance at
13 the national and local levels;

14 (10) an analysis of the effectiveness and sus-
15 tainability of United States-financed development
16 projects, including the Caracol Industrial Park and
17 supporting infrastructure;

18 (11) a breakdown of procurement from Haitian
19 small- and medium-sized businesses and nongovern-
20 mental organizations by the United States and Hai-
21 tian governments for development and humanitarian
22 activities by year since 2015, and a description of ef-
23 forts to increase local procurement, including food
24 aid;

1 (12) a description of United States efforts
2 taken since January 2010 to assist the Haitian peo-
3 ple in their pursuits for free, fair, and timely demo-
4 cratic elections; and

5 (13) quantitative and qualitative indicators to
6 assess progress and benchmarks for United States
7 initiatives focused on sustainable development in
8 Haiti, including democracy assistance, economic re-
9 vitalization, natural disaster recovery, pandemic re-
10 sponse, resilience, energy and infrastructure, health,
11 and food security.

12 (b) CONSULTATION.—In preparing the report re-
13 quired under subsection (a), the Secretary of State and
14 the USAID Administrator shall consult with nongovern-
15 mental organizations and civil society groups in Haiti and
16 the United States, as well as the Government of Haiti
17 where appropriate.

18 (c) PUBLIC AVAILABILITY.—The report required
19 under subsection (a) shall be made publicly available on
20 the website of the Department of State.

21 **SEC. 8. SUNSET.**

22 (a) REPEAL.—The Assessing Progress in Haiti Act
23 (22 U.S.C. 2151n; Public Law 113–162) is repealed.

24 (b) TERMINATION.—This Act shall terminate on De-
25 cember 31, 2025.

1 **SEC. 9. DEFINITIONS.**

2 In this Act the term “appropriate congressional com-
3 mittees” means—

4 (1) the Committee on Foreign Affairs and the
5 Committee on Appropriations of the House of Rep-
6 resentatives; and

7 (2) the Committee on Foreign Relations and
8 the Committee on Appropriations of the Senate.

